IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 10040 of 2006(T)

AGAINST THE ORDER DATED 09/03/2006 IN CMP 1670/05 & 1671/05 IN MC.294/2005 OF FAMILY COURT,KOZHIKODE.

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PETITIONER/RESPONDENT:

K.SADANANDHAN, S/O.KUNHINANDHAN,
AGED 53 YEARS, "KAKKAPOYIL HOUSE",
MELOOR AMSOM AND DESOM, KOYILANDY TALUK,
KOZHIKODE.

BY ADV. SRI.R.SUDHISH,
SRI.P.B.SAJITH.

RESPONDENT/PETITIONER:

K.ANJU, D/O.LATHAKUMARI,
AGED 20 YEARS, "KOLLERKANDIYIL HOUSE",
WEST HILL P.O., KOZHIKODE DISTRICT.

BY SRI.N.SUBRAMANIAM,
SRI.M.S.NARAYANAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.10040/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PETITION CMP.1670/05 IN M.C. 294/05 BEFORE FAMILY COURT, KOZHIKODE.

EXT.P.2: COPY OF THE PETITION CMP. 1671/05 IN M.C. 294/05 BEFORE FAMILY COURT, KOZHIKODE.

EXT.P.3: COPY OF THE COUNTER STATEMENT IN CMP. 1670/05 IN M.C. 294/05 BEFORE FAMILY COURT, KOZHIKODE.

EXT.P.4: COPY OF THE COUNTER STATEMENT IN CMP. 1671/05 IN M.C. 294/05 BEFORE FAMILY COURT, KOZHIKODE.

EXT.P.5: ORIGINAL COMMON ORDER IN CMP. 1670/05 & CMP. 1671/05 IN M.C. 294/05 OF THE FAMILY COURT, KOZHIKODE.

EXT.P.6: COPY OF THE PETITION M.C. 294/05 BEFORE FAMILY COURT, KOZHIKODE.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

PIUS C. KURIAKOSE, J.

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W.P.(C)No.10040 OF 2006

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DATED THIS THE 3RD JULY, 2007

J U D G M E N T

I do not find any warrant for setting aside Ext.P5 common order passed by the learned Judge of the Family Court on applications for amendment filed by the respondent-petitioner in the Family Court. To begin with, a petition for maintenance was filed under Section 125 Crl.P.C. Now under the impugned order, she has been allowed to invoke Section 20 of the Hindu Adoption and Maintenance Act. The learned Judge of the Family Court has noticed that this is an instance of the party quoting wrong provisions of law.

2. Mr.P.B.Sajith, counsel for the petitioner submits that the present amendment will not serve any useful purpose for the respondent. For whatever it is worth, Ext.P5 is not liable to be interfered with by this Court under the supervisory jurisdiction. The challenge against Ext.P5 will fail. But it is open to the petitioner to contend that even after amendment, the main petition filed by the respondent continues to be not maintainable.

Subject to the above observation, the Writ Petition is dismissed.

(PIUS C.KURIAKOSE, JUDGE)

tgl